

# TOWARDS TRANSFORMATION

**An alternative to violence within the context of the  
criminal justice system.**



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# ABSTRACT

If we seek a safer and more peaceful society, we need to acknowledge the part that every citizen plays in helping make this a reality. This study examines society's attitudes to its penological systems. The hallmarks of these are fear of crime, that is fuelled by politicians and the media, combined with an ignorance of the actual conditions around apprehension, sentencing and prison itself.

Programs within prison that are aimed towards rehabilitation are evaluated. This provides a context from which research takes place into a particular program, the *Alternatives to Violence*.

The lessons learned through the administration of this program, as well as the workshops themselves provide valuable insights into the ways in which law-breakers could be handled differently.

This leads to an examination of alternative methods of providing justice which takes account of the needs of the victim, the offender and the communities from whence they come. By working to restore to the victim and society what has been damaged, an offender has a better chance of becoming re-integrated into society and truly reformed.

Proposals are made for the reform of the justice system in NSW, away from increasing penalties that do not work, and are expensive, for other options that exist in our system. These alternative approaches are often overlooked or dismissed as being 'soft'. Issues of morality concerning the treatment of offenders are ignored at our peril. We are urged to journey towards wholeness as a condition of being human. The writer asks readers to work to find a better path.

a principle like *caritas*, the love for one's fellows. If love stops, power begins, and violence and terror.

To rescue ourselves from entrapment, we do not have to take a battering ram to the walls of our prisons (both real and metaphorical), but we do have to find opportunities for inner work, and for transformation, thus releasing the power for good we all embody. Jung uses the Greek concept *kaipós* to describe the time in which we are living as the right time for a metamorphosis, a choosing to go another way as an alternative to self destruction. Our thoughts can be stronger than institutions such as prisons. A song, which sung during Germany's third Reich brought instant imprisonment, *Die Gedanken sind frei*, or *Thoughts are free*, gives an answer to the paradox of our being. Once we reach into the world of our thoughts, dreams and symbols, we are freed from entrapment and can fly to the stars. Bonding with other freed and self-actualised persons, we have the tools for transformation of society.

This dissertation aims to examine the relationship of crime to modern society, which labels some activities as criminal and others in the 'white-collar' category as civil matters. The actual damage to society is not the measure, but rather the degree to which we are afraid of that which we do not understand. It is our civic duty as citizens to work through our unconscious fears to arrive at a more rational system of justice. The cost to us will be enormous in every way if we fail to understand the complex of motivations behind the way we presently deal with law-breakers.

To become 'self-aware' is a most human task. In the course of our busy western lives, it is difficult to find the means of knowing our conscious and unconscious motivations, our feelings towards ourselves and each other. The *Alternatives to Violence* is one of the ways through which greater understanding of ourselves as persons, and of others can be learned. Our untapped capacities can be released as a power for good, transforming conflictual situations into ones where growing and learning take place.

## 1.1 RELEVANCE OF THE TOPIC

By any measure, the penological systems which exist in the West are largely not working. This is despite the fact that residents of democratic societies have mechanisms for questioning our institutions through parliaments, the media and lobby groups. We have refined research methods to evaluate the efficacy of funded programs. We have developed

## **Background to and a description of the *Alternatives to Violence* program:**

A sharing of common learning experiences has always been a hallmark of AVP workshops, which were first presented at the invitation of inmates in Greenhaven Prison in New York in 1975. Apsey<sup>4</sup>, a Quaker who was involved in non-violence training, reports that an inmate, Roger Whitfield had organised his fellow inmates into a 'Think Tank Project', which devised programs aimed to improve their lives, while at the same time, educating delinquent-prone youths in an attempt to stop them from going to prison. Following the first workshop, the prevalence of abuse and black eyes from non-participants, meant that the presenters had to clarify what was actually meant by non-violence. It was not passiveness, or peace at any price, but rather, changing the tyranny and oppression around them, through a process of personal transformation.

The prerequisites to change are that each participant is asked to reflect on expecting the best in a situation, to respect one's self, to think before reacting, to care for others and to ask for a non-violent solution. These ideas are presented using stories, often from a facilitator's own experience, and participants are encouraged to think about times when they have used these same ingredients and what were the results. Games, exercises and role plays are used which reinforce and build on concepts already learnt. Rules are established by agreement with participants. These assist in the creation of a safe learning environment. The prison, with its own set of complicated rules can fade away when community and trust are established within an affirming learning environment.

Inmates are very used to professional presentations of materials in lectures and talks. They are often quite astounded that the facilitators are volunteers who are sharing the workshop experience with them because they want to do so. Modelling by facilitators is a crucial element in a workshop of demeanour, body language and real interest in another person. Facilitators never ask participants to engage in an activity that they are not prepared to do themselves.

The content of a *Basic AVP* course always covers: community building exercises; training in group co-operation; and exercises in dealing constructively with negative stereotyping and the abuse of power. The exercises are interspersed with games which aim to both keep the atmosphere light, to share laughter, to have the pleasure of touching another person

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<sup>4</sup>Apsey, L., (1991), *Following the Light to Peace*, Kim Pathways, N.Y.

and respect the feelings, needs and essential wisdom of inmates, is central to the AVP process.

This dissertation questions the possibility of mending a system which is so full of holes. Alternatives are proposed, which go from the roots of the problem, through to examining a better and more just system in Chapter 6. In North America, pilot victim and offender schemes aim to restore to the victim those aspects they have lost and to the offender, to repair the damage they have done to the victim and to the wider community. It will be argued that these are more just than our present system and provide opportunities for transformation of the lives of those involved. The study concludes with the plea to strive for new ways of dealing with crime. These will include volunteer involvement by individuals within their communities, seeking to provide appropriate way of dealing with offenders. It asks for qualities of forgiveness, inclusiveness and restoration to be a part of our thinking as self aware persons. The gifts of transformation are available for us to change ourselves and contribute to making our societies safer and more peaceful.

## **1.2 The Aims:**

- To examine the attitudes of society to our penological systems.
- To look at the inherent violence in the corrective systems in the West focussing on NSW.
- To examine existing research into programs aimed at rehabilitation within prisons.
- To provide details of the *Alternatives to Violence* project and the ways in which it operates in both prison and the community.
- To conduct a small research project into the *Alternatives to Violence* project at Long Bay Reception and Industrial Prison.
- To make recommendations for alternative approaches to the administration of justice in our society.

second generation Australian young people may still adhere to the social values of their country of origin, which may prejudice against or conflict with other cultural or religious groups. Similarly, young people who come to Australia as refugees from violence, have been exposed to horrific types of violence and evidence<sup>8</sup> is that for some, the only model they know is extreme violence.

Dodge<sup>9</sup> writes of the need to de-mythologise the present views society holds on prison ie that they do not deter crime, they do not re-socialise or rehabilitate, they cost a lot, and they do not protect society. This is graphically illustrated by Mitford,<sup>10</sup> who at the same time cautions against prison reform as she has seen past efforts only result in the strengthening of prison bureaucracies, reinforcing and perpetuating the system. Orland<sup>11</sup> writes of inmate expectations and those of their families for some kind of reasonableness within the system. It is unfortunate that in most systems it is hard for prisoners to have any mechanisms which provide for this. These only appear to exist, Orland writes, in France and Germany where inmates have courts of appeal where they can seek justice for themselves against discrimination and violence **within** prison. He draws the reader's attention to the UN Standard of Minimum Rules for the Treatment of Prisoners which were adopted in 1970 with a further resolution that all nations enforce these rules.

It was during the 1970's in NSW that some of the worst prison riots occurred. Evidence at the ensuing Royal Commission conducted by Nagle<sup>12</sup> brought forward facts that prisoners were being beaten, abused, fed on swill and subject to a variety of forms of mental abuse. These riots were due in part to the fact that there was no redress for prisoners or their families to make complaints. Pursuing Nagle's recommendations, Professor Vinson<sup>13</sup> was appointed by the highest levels of government to bring about the reforms recommended by Nagle. Vinson discovered the most difficult problems lay not with the prisoners (who would try to understand the reason for changes), but with the custodial staff, many of whom were named in the Nagle report. These officers resorted to long strike actions and delaying tactics, all the while supported by their union and ironically by the Wran Labour government.

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<sup>8</sup>Hirsch,(1995) *Report into Youth Violence*, p49

<sup>9</sup>Dodge, C., (1979) *A World Without Prisons*, Lexington Books

<sup>10</sup>Mitford, J.,(1979) *The American Prison Business*, Allen & Unwin.

<sup>11</sup>Orland, L.,(1975) *Prisons: Houses of Darkness*, The Free Press, London.

<sup>12</sup>Nagle, J.,(1978) *Report of the Royal Commission into NSW Prisons*.

<sup>13</sup>Vinson, T., (1982) *Wilful Obstruction*, Menthuen, Australia.

Wright<sup>22</sup> further says that the present criminal justice system does not lend itself to evaluation, because of the ambiguities of what it is trying to achieve. It is divided into the 'sentencers' and the sentenced. The quality of sentencing is more or less unmeasurable and those who administer the sanctions may have different aims from the courts and from each other. If a concept of restorative justice was introduced, we could measure the number of offenders who work at restoring the damage done to their victims.

Griffith<sup>23</sup> argues that prisons have become big business, controlling large amounts of capital and employing many millions of people. Despite the apparent failure of this institution, agreements to increase spending in this area are part of the twisted logic of the majority of Americans, who idolise the rich and powerful and continue to vote to have welfare and social programs for the poor slashed. Appeals for assistance and restitution to victims writes Van Ness<sup>24</sup> can make for a successful system, such as exists in Quincy Mass. where victims and offenders work together on what is reasonable, in repairing a loss.

The research conducted by Martinson<sup>25</sup> was quoted by every other writer on what makes for effective treatment programs in prisons. He based his conclusions "Nothing Works" on a large sample of studies in prisons which met the criteria of using proper research methods. His findings were so influential in the West, that for the two decades following, almost nothing has been tried and a deep cynicism about treatment, as well as slashing treatment budgets has taken place.

For the second motif, (that of the search to understand personal violence), the writings of Jung<sup>26</sup> and subsequent Jungian thinking, provides an important base for understanding the principles of evil, injustice, lies, enslavement, coercion of conscience and wrongdoing in society. On our way to becoming 'whole' and spiritually healthy persons, we have to confront the darker aspects of our personality, which dwell in the less conscious regions and are sometimes made manifest through dreams. The way our darkness is seen clearly is through 'projection' and this can be done by whole nations, such as what Nazi Germans did with the Jews, but in the context of this dissertation, it is argued that society in an effort to see itself as upright rather than containing a healthy mix of good and evil,

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<sup>22</sup>Wright, M., (1991) *Justice For Victims and Offenders*, Open University Press, Philadelphia.

<sup>23</sup>Griffith, L., (1993), *The Fall of the Prison*, Eerdmans Pub, Michigan.

<sup>24</sup>Van Ness, D., (1986), *Crime and Victims*, Interservice Press, Illinois.

<sup>25</sup>Martinson, R., (1974) *What Works? Questions and Answers about Prison Reform*, The Public Interest, 35, 22-54.

<sup>26</sup>Jung, C., (1966) *Man and His Symbols*, Arkana; and (1983) *Memories, Dreams, Reflections*, Flamingo



give a further clue to the motivation of men who kill, as an attempt to somehow get closer to the victim.

Aungles<sup>33</sup> gives a valuable view into the relationship between domesticity and penalty, and how potentially rehabilitative is the influence of the family on their incarcerated male relatives.

Understanding emotions such as anger and fear is assisted by Travis<sup>34</sup> Travis gives a theoretical basis in working with groups who are likely to manifest anger in a variety of ways. There is a common myth which is dispelled by Travis that expressing anger 'is good for you', and conversely that suppressing anger is unhealthy. In relation to justice, our perceptions of a situation as just or otherwise are indicators as to whether people feel and express anger. Despite much evidence to the contrary, people behave as if life was supposed to be 'fair', and become very angry at the many examples where it is not. The opposite of this is where injustice is built into a system, apathy rather than anger can be the emotion expressed. Within a prison environment, positive mental health may depend on the maintenance of a system of rules. The prisoners themselves display a largely conservative stance on most issues, which may include blaming themselves or blaming the victim in a conflict. A secure and orderly environment is preferred. Workshop experiences may disturb the views held by participants and in this case anger, rather than denial, could be a motivating force for change. Anger can be good or bad depending on its use, not on its nature.

All of these facets, the philosophical, sociological and psychological provide insights into why the system is as it is today and what are the kinds of motivations which inform and drive men (mainly) to deviance.

A third theme in this work is the practical basis of the changes and growth in behaviour that can take place within groups. The major resource materials are the AVP manuals<sup>35</sup>, the *Help Increase the Peace Program* (HIPP),<sup>36</sup> *The Art of Facilitation*,<sup>37</sup> *Leading a Group*,<sup>38</sup> and *A Manual For Group Facilitators*<sup>39</sup>. There is a similarity amongst all manuals, which concentrate on helping participants in a group establish, though the

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<sup>33</sup> Aungles, op. cit., p 54.

<sup>34</sup> Travis, C., (1989) *Anger: The Misunderstood Emotion*, Simon and Schuster.

<sup>35</sup> Alternatives To Violence Basic (1986), Second Level (1990) and Train the Facilitator (1992) Manuals, AVP Inc, New York.

<sup>36</sup> Mundy, L. & Wissa, E. (1991) *Help Increase the Peace*, American Friends Service Committee

<sup>37</sup> Hunter, Bailey & Taylor (1994), *The Art of Facilitation*, Tandem Press.

<sup>38</sup> Hamer, K., (1991) *Leading a Group*, Pub by K. Hamer.

<sup>39</sup> Center For Conflict Resolution, (1978), *A Manual For Group Facilitators*, Madison.

political practices. The relevant activity for this study was Apsey's encouragement of training programs for non-violent action which were so influential in both the black freedom movement spearheaded by Martin Luther King and the anti-Vietnam war movement. His training of hundreds of marshals through role-play and a belief in *Transforming Power* was later translated into the early New York prison workshops. These were later called *Alternatives to Violence* workshops. Here in the prison environment, where the threat of violence was always present, Apsey said, "Non-violence doesn't mean passiveness...peace at any price. It's just the opposite, it's changing tyranny and oppression".<sup>43</sup>

Adam Curle,<sup>44</sup> a British Quaker, has sought to work for peace through mediation by attempting to change relationships which were violent, hostile, suspicious, lop-sided, or unproductive into ones which were friendly, co-operative and constructive. He has been very active in areas of under-development, where the misery of poverty is exacerbated by the politics of the economically strong nations. He attempts to change these injustices by educating both in peace and conflict theories. He looks forward to a transformed society, where we achieve the goals of sufficiency, satisfaction, security and stimulus by working together as one world, rather than as 170 different nation states. We need to recognise that there is always something that we can do individually and collectively. By becoming aware, we can 'add to the reservoir of constructive compassion in the universe'. By remaining on the path to enlightenment we develop our compassion towards all beings.

In Curle's *True Justice*<sup>45</sup> he describes what he believes to be the nature of peace, as a relationship between individuals, groups, races etc, rather than a state or condition. Unpeaceful relationships are therefore ones which do damage to people. Not many triumph through adversity and those who perpetuate the damage are as much maimed as their victims. Most injustices are committed by those who have more power upon those who have less. This imbalance then often leads to violence, what Galtung<sup>46</sup> refers to as structural violence. The political and economic inequalities which are built into the social structure are the subject of his writings. The violence of the system deprives persons at the lower end of the socio-economic scale not only of opportunities, but saps them psychologically, so that they feel insecure and of lesser worth. Cultural violence is a

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<sup>43</sup> op cit p 213

<sup>44</sup>Curle, A., (1991) *Tools For Transformation*, Hawthorn Press, p 8

<sup>45</sup>Curle, A., (1981) *True Justice* Swarthmore Lecture, QHS, London.

<sup>46</sup>Galtung, J., (1975-80), *Essays in Peace Research*, I-V Copenhagen: Eilers

draw our attention to the needs of the victim, but go on to claim that crime is an opportunity for communities to seek satisfying solutions to the criminal activity within it, and speak about Victim Offender Restoration Programs (V.O.R.P.), which are showing their effectiveness in some states of the US and Canada.

Few writers in Australia are testing the strength of such visions, coming rather from an attacking perspective such as Hampton<sup>55</sup>, who believes jails merely emphasise victimhood, abuse, despair, helplessness and recidivism in prisoners. However, the NSW Ecumenical Council's<sup>56</sup> writings attempt to challenge the NSW system to move from a punitive to more caring approaches. It is feared that this half-way approach to reform does not go far enough and that further study of ways in which our communities can better deal with offenders and victims are urgently needed. Australia needs more writings on how the public can be involved in just resolutions which meet the threefold needs of victim, society and the wider community. The current popular attitudes and writings tend towards revenge towards offenders and ignoring the victim.

### **Conclusion:**

As indicated in Chapter 1, an appreciation of the good and bad in individuals, and the manifestation of these traits in our wider society is where a search begins in a study of social and personal change within the criminal justice scene. A reading across the responses being made by societies in the West and Japan, gives insight into the variety of approaches to deviant behaviour today and it is also helpful to look at some of the evolutionary threads which have developed into our justice systems. Writers on the corrective institutions we have, cover the spectrum from the hard right which can be described as retributive, to the reformist, treatment orientated and away to the views that the present system needs to be abolished or extensively reworked to adopt a restorative stance. The present study will attempt to find ways whereby if the present system is not to change outwardly, (at least not yet), that programs can be introduced, which provide inmates with more powerful personal responses, whilst still living within harsh and unyielding environments. Through the mechanisms of group dynamics, improved self esteem and supports, other latent behaviours of kindness, self control, care for others and for the self, will be encouraged to flower. The literature of both darkness and light makes for compelling reading, because they reflect to the reader an innate truth, that this (yin/yan) is the paradox of the human condition. To pretend that we are one or the other

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<sup>55</sup>Hampton, op. cit., p 43.

<sup>56</sup> NSW Ecumenical Council (1988), *Prison. The Last Resort*, Law Foundation.

### Chapter 3

#### CONFLICT AND VIOLENCE IN SOCIETY AND ITS INFLUENCE ON PENOLOGY.

In the West, the custodial institutional model used for dealing with differences in human personality is in many instances being critically reviewed. Shaw<sup>1</sup> wrote "Imprisonment as it exists today is a worse crime than any committed by its victims, for no single criminal can be as powerful for evil or as unrestrained in its exercise as an organised nation". This chapter will examine the offender's relationship with the State or nation and how it has become next to impossible to reform this structure which has given us the modern 'model' prison. Alternative means of coping with offenders will be explored. Ethical questions posed by writers such as Stenson and Cowell<sup>2</sup> as to what is an acceptable level of punishment in society, what is the *right* prison population within any country, how should we treat our fellow human beings and how do we want to meet crime control? This chapter will flag the political and moral attitudes adopted towards crime and the particular role of the media in forming our opinions.

In this dissertation the writer takes a critical stance towards that section of custodial care that concerns violence of all kinds. The *Catholic Bishop's statement*<sup>3</sup> claims that our society tends to accept the economic pressures that are constantly forcing more and more people below the poverty line, thus creating the conditions for greater levels of violence. The wealthiest 1% of adults hold 25% of private wealth, the top 5% hold about 50% and the 30% of people at the bottom actually owe more than they own. Social researchers such as Brian Burdekin<sup>4</sup> challenge us with the numbers of homeless children at around 30,000 in Australia and with reports into the appalling housing conditions faced by those affected by mental illness. Both of these latter groups are at high risk of imprisonment that performs the function of accommodating and hiding the shame of a society failing to care for its poorer, weaker and younger members.

The values and styles of employees and management in industry and business do not generally take account of the human contribution to the product. Smythe<sup>5</sup> says this leads

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<sup>1</sup>George Bernard Shaw *The Crime of Imprisonment* Oxford University Press 1965 p 13

<sup>2</sup>Stenson and Cowell *The Politics of Crime Control*, Pub p 209

<sup>3</sup>The Catholic Bishops of Australia Statement *Common Wealth for the Common Good*, 1992 Chapter 4

<sup>4</sup>Burdekin, B., (1992) *The Burdekin Report*, Government Printer

<sup>5</sup>Paul Smythe *Full Employment, the Challenge and the Churches*: Collins Dove 1994, page 7

'norm'. As a further safety device, the unconscious mind projects the 'darkness' onto other persons and objects in blaming, punishing type behaviour. It is possible to recognise these dual aspects of repression and projection within Western theories and practice of criminal law. Somehow, there is great comfort in the knowledge that the worst of our kind are locked away from us behind gates of steel.

Horrocks<sup>10</sup> quotes Jung "We love the criminal and take a burning interest in him because the devil makes us forget the beam in our own eye. We are captivated by the criminal - he blinds us to our own criminality and at the same time expresses it". We have our own violent feelings in safety, watching horror movies on TV, condemning the purveyors of pornography, or bewailing the savagery ...of others.

Steve Angell<sup>11</sup> of AVP USA says that at present a new jail is being started in the USA every four minutes and, if the incarceration rate continues at its present level, by the year 2020 around half of the American population would be in jail. When speaking to a meeting of Corrective Services staff in Sydney recently, Steve Angell said "There has to be a better way". He did not indicate that this 'better way' would be easy to find or follow, but there was an enthusiastic response to his talk.

*The real roots of crime are associated with a constellation of suffering so hideous that, as a society, we cannot bear to look it in the face. So we hand our casualties over to a system that will keep them from our sight.*<sup>12</sup>

The part of Christian culture which has been held up as the majority view is that "God is Light and in Him there is no darkness at all."<sup>13</sup> This comes into opposition with the dark images of God, the 'shadow' of repressed anxieties and destructiveness. Meister Eckhart's<sup>14</sup> apophatic theology of the 'no-thingness' of God, was one of the bases on which Jung developed his understandings of the dark forebodings he witnessed in his society. Like Jung and Eckhart, we can only begin to understand the negative elements in ourselves and society through the paradigm of the 'shadow' and thus approach a more just stance.

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<sup>10</sup>Horrocks, R., (1994), *Masculinity in Crisis*, St Martin's Press, p 135.

<sup>11</sup>Steve Angell *The Transformer*, AVP Newsletter Fall 1994.

<sup>12</sup> David Bazelon, quoted in Alan Lichenstein *The Fortress Economy* American Friends Service Committee 1990

<sup>13</sup> Epistle of John Chapter 1 v. 5

<sup>14</sup> Richard Woods *Eckhart's Way* The Liturgical Press, Minnesota 1990, p 51

- a) Civil and criminal spheres were divided, with quite different operating assumptions and rules in each.
- b) When wrongs are defined as criminal, the state is central.
- c) The expectation of punishment - pain infliction, in the criminal sphere.

The birth of the modern prison coincided with this legal revolution.

The Beccaria theory quoted by Nixon<sup>19</sup>, speaks of the change from people coming under the authority of God, to the principle of utility where 'the greatest good of the greatest number' became the guiding force in law. People were considered rational beings who *chose* to engage in particular activity. Punishments were therefore applied to those who had broken the social contract. The sovereign power now lay in the State and everyone who is deemed to have damaged the social good must pay a penalty. The other change here was that the State came up with a ranking of crimes, from the most to the least serious, according to its own criteria.

Crimes are now judged and punished, not in terms of the motives of the offender, but in terms of their effects. This means that everyone is free to do what ever they please, as long as it is not forbidden by the law. This now makes sense of earlier remarks that although much suffering can be caused through close family relationships, the ways people are treated in their employment, the changes to taxation or banking laws and regulations, these activities are not by themselves seen as crimes.

The question "how much crime do we want?", is not stupid. People seem to respond well to a high level of crime as long as it is not affecting them. It polarises people and gives the 'non crime' people a sense of respectability. Media reported crimes tend to make one's own wrongs pale into insignificance. The punishment of the criminal could be likened to the vicarious 'whipping boy' style of punishment of earlier centuries. If we have a dull emotional life, a little crime by others gives it a sense of spice. If we feel wretchedly in a state of anomie in today's splintering society, reported crime will give us a sense of who we are not.

Media reporting particularly of violent crime<sup>20</sup> has had a profound influence on general community perceptions about the levels of violence in the community and on individual's

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<sup>19</sup> Nixon, op. cit., p 72

<sup>20</sup>Parliament of NSW Standing Committee on Social Issues, *Issues Paper No 2* 1993, p 3

Yabsley, introduced the "Truth in sentencing" legislation in 1989, the sensationalising of crime has continued unabated, despite protests from conservative groups like the NSW Bar Association reported by Totaro<sup>25</sup>. At that time, they called for a review of this legislation as "discredited, unimaginative and primitive".

In five years to 1994, Gorta<sup>26</sup> reports that the jail population in NSW has increased by 62% (from 4,000 to 6,500) with substantial increases in jail suicide. The crime rate had remained the same over this period. NSW sentences were reported to be longer than anywhere else in Australia or in Europe. We now imprison 75 per 100,000 of population compared to Victoria's 45.(see Figure 1)

#### A STATISTICAL OVERVIEW OF THE NSW PRISON SYSTEM:

There are 25 correctional centres ranging from minimum security camps such as Oberon, through modern prisons such as Lithgow and the privately run Junee, to 19th Century prisons such as Goulburn and Parramatta. In 1993 the average cost of imprisonment per inmate was \$42,000.

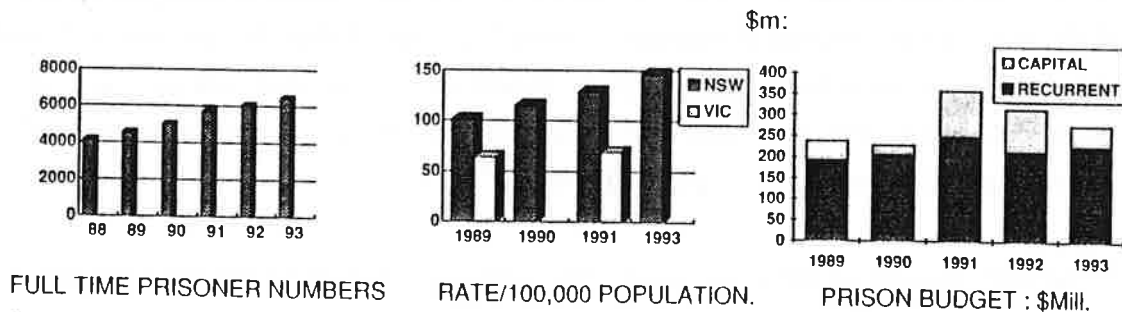


Table 1: A statistical overview of the NSW prison system

This is still way behind the US reported figures of 445 per 100,000<sup>27</sup> with total figures now over 1 million persons. It is hard to see that human failings can be so varied from state to state and between countries. The imprisonment rate probably reflects more of the fear of crime and its 'shadows' than the real risks of the community to its orderly activities.

Jail during this period certainly was not a principle of last resort. Hundreds of fine defaulters were incarcerated during this time, ignoring other options, <sup>28</sup>such as:

- suspended sentences
- home detention, using electronic surveillance

<sup>25</sup>Paola Totaro *Sydney Morning Herald* 24/6/94 p1

<sup>26</sup>Angela Gorta *Truth In Sentencing - Impact of the Sentencing Act, 1989*, NSW Dept of Corrective Services 1990

<sup>27</sup>Philip Adams *The Weekend Australian* 11/6/94 p2

<sup>28</sup>Six Quakers Look at Crime and Punishment, (1985) Quaker Responsibility and Education, p28

In a just released publication *Young People and Police Powers*,<sup>32</sup> the difficulties surrounding the role of the police in all Australian states is clearly shown. Their powers to arrest, search, detain, and use force are "awesome" in the degree to which they can be disruptive of freedom, invasive of privacy and sudden and direct in their impact on the individual. This power is delegated to individuals at the lowest level of our bureaucracy, to be exercised, in most instances, without prior review and control.

The Department<sup>33</sup> responsible for the welfare of children and families in NSW faces serious staff and resource shortages. Contracting out policies during the last few years of services to the most vulnerable, have made it more likely that families and individuals should become dysfunctional and unable to care for each other's physical and emotional needs.

Children deemed 'at risk' by the Department of Community Services are also more likely to face later sentencing. Desperate parents<sup>34</sup> are told today by officers, "There is nothing we can offer your son/daughter who is in trouble. But wait until they are 18 and then they can go to jail."

The civilising influences of care for children in families is difficult for families who have themselves experienced the brutalising experiences of bashing, poverty, poor education, poor health and little experience of success and positive self esteem. If the socialising role of the family is not effective, research needs to take place on programs in schools or even kindergartens in high risk geographical areas which aim to educate in the following ways:

- by providing incentives for appropriate behaviour
- by continually making clear that which is wrong and that which generates motives against those things.
- by making compliance with rules and laws economically advantageous.
- by educating that we all feel like and often do break rules, but that to let someone else be punished for an activity similar to one we have done or contemplated is vengeful.
- by reminding ourselves that 'to err is human, to forgive divine'.
- by seeking and loving the truth.

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<sup>32</sup>Blagg, and Wilkie, op. cit., p 15.

<sup>33</sup>NSW Department of Community Services Review of Legislation and Practice 1995

<sup>34</sup>Remarks often made to the writer in the course of her work in inner Sydney.



## Chapter 4

### VIOLENCE AND PRISONS

The 17th Century philosopher, Thomas Hobbs wrote of the necessity for the State to use force to ensure compliance with its laws<sup>1</sup>. Since that time, the net of state control appears to be widening and more and more of its citizens, especially in Western countries have become enmeshed in its long arms. Many writers<sup>2</sup> comment that this amounts to an unnecessary invasion of privacy, without any tangible benefit to the community.

The wider political and economic forces (referred to in the last chapter) which ensure that our prisons remain full, are best described by Galtung's<sup>3</sup> concepts of structural violence leading to cultural violence, where direct and structural violence is made to look and even feel right, or at least not wrong. It will be argued that prisons are inherently violent places and not, as such, responsive to reforms. Prisons do not address the underlying brutality and degradation which they impose not only on inmates, but that influence staff as well.

In the 1950's the NSW Prison Service became the Department of Corrective Services. This was motivated by the line that imprisonment is for rehabilitation rather than punishment<sup>4</sup>. Since the late 1970s when the Bathurst jail riots forced a rethinking of the justice model, there have been conflicting opinions as to the basis of our system and what society expects it to achieve. The reforming era in the early 1980's following the Nagle Royal Commission<sup>5</sup> was reversed during the period 1988-91 under Corrective Services Minister Yabsley. Under Yabsley, the 'truth in sentencing' slogan lead to vastly increased numbers in NSW jails, the building of five new State jails and the creation of a private jail at Junee. Many of the education and welfare programs developed during the post Nagle years were cut, and riot and security squads were expanded. Despite the increased security, these measures were unable to contain the

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<sup>1</sup>Susan Rhodes *Prison Reform and Prison Life: Four Books on the Process of Court Ordered Change* Law Society Review, Vol 26 Ch 1 1992

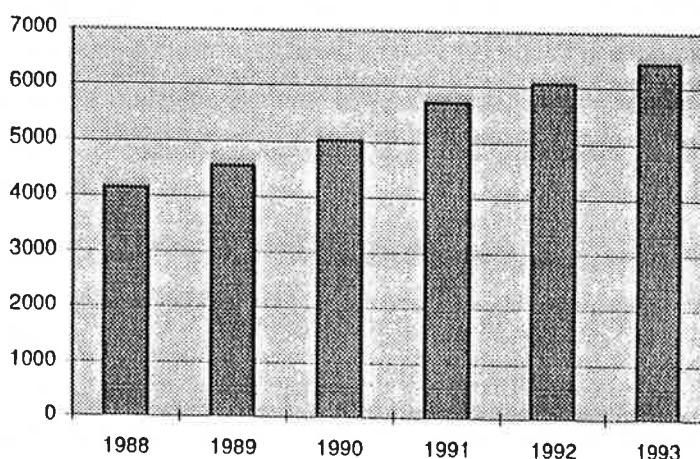
<sup>2</sup>Mark Robertson *The Future of Corrections: NSW Corrections* pub p 334

<sup>3</sup>Johan Galtung *Cultural Violence* Journal of Peace Research, Vol 27, no 3 1990, pp 291 - 305

<sup>4</sup>Mark Findlay *The Demise of Corrections*, quoted in *Corrective Services in NSW* Ed Bill Cullen Law Book Company 1988 p 317

<sup>5</sup>Nagle op. cit.

backed up by recidivism rates. See Figure 2<sup>10</sup> Long term inmates themselves in conversation with the writer say that very few of them will 'make it outside'.



Full-time Prisoner Numbers

**Table 2: Recidivism rate for those discharged in 1990: within two years, 36% had returned to full-time imprisonment**

The NSW churches<sup>11</sup> claim that in addition to increases in incarceration, there has been a widening of state control upon individual behaviour. Individuals in the society need to be alert to these creeping controls, where people who would have received fines, suspended sentences or probation are now receiving stiffer sentences such as Periodic Detention or Community Service Orders. Increased state control is a form of violence control and repression, and is considered by Galtung<sup>12</sup> to attack those weaker members, the "underdogs". The writer agrees with Galtung's concepts of the relationship between structural and cultural violence, which then lead to an institutionalisation of repetitive, ritualistic violence as is manifest in western prison systems.

The dilemma of which model to choose is present in all prison systems, including the US. Here prison conditions have deteriorated during the past decade, as reported by Rhodes<sup>13</sup>. This deterioration is due to: overcrowding (itself a result of rising prison

<sup>10</sup>Pope, B., (1994), *The State of Prisons in NSW*, NCOSS, Surry Hills.

<sup>11</sup>NSW Inter Church Committee on Prison Reform *Prison - Not Yet the Last Resort* 1994 p 2

<sup>12</sup> Galtung op.cit., p 293

<sup>13</sup>Rhodes op. cit., p199.

see a purpose in their condition. At best, they learn to 'get by'. In the later discussion of the *Alternatives to Violence*, the writer will argue that the converse is a more effective basis on which to manage the prison system. Individuals need to be helped to gain a sense of self worth plus gaining skills for use after release.

In NSW jails at this time, with the possible exception of the Special Care Unit at Long Bay, the confinement of large numbers of inmates under close scrutiny, regimented discipline and separation from normalising experiences of home and friends, leads to violence.<sup>19</sup> The degrading attacks that take place between inmates, and between inmates and staff, lead towards physical and emotional injury, and the disturbance to both individuals and the climate of the institution itself. Physically, prisons are noisy,<sup>20</sup> which is another index of the violence within. The United Nations Declaration for Civil and Political rights,<sup>21</sup> which Australia signed in 1980, states that "all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person". It also states<sup>22</sup> "The penitentiary system shall comprise treatment of prisoners, the essential aim of which shall be their reformation and social rehabilitation".

### **Prison Populations:**

A description of the population of prisons will lead to further understanding of the issues around incarceration, the present policies on confinement, and opportunities for change. The majority of prisoners are<sup>23</sup> young males from lower socio economic classes, who on the whole, are fairly conservative and consenting to the system in which they find themselves. Any group will include persons with a psychiatric disability, ones with suicidal tendencies, and many disorientated by drugs. Some have HIV/AIDS and a large number have hepatitis C or B. Many have come from abusive childhood situations, have been State wards, and a great number are recidivists who find it hard to manage outside the system.

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<sup>19</sup> Barbara Thompson *Assaults and Fights in NSW Correctional Centres 1993*, Research and Statistics Unit, NSW Dept of Corrective Services Feb 1994, showing that the daily average number of assaults rose from 7.8 per hundred inmates to 10.0 per hundred in 1993. The highest average was in Tamworth 30.0, Long Bay Hospital 29.4, Mulawa Correctional Centre 23.6 and Junee 11.0. Serious assaults took place at the minimum security as well as the maximum and medium security institutions.

<sup>20</sup> Kit Kuperstock *Worried About Crime* Heral Press, Scotdale Pennsylvania 1985, p 10.

<sup>21</sup> United Nations *Human Rights Fact Sheet No 15*, Centre for Human Rights Geneva, Article 10.1.

<sup>22</sup> *ibid* Article 10.3.

<sup>23</sup> From notes taken by the writer during interviews of inmates, Long Bay CIP 1994.

are often far more serious. "I see no reason why big shot crooks should go free, whilst the poor ones go to jail," said ex President of the US, Jimmy Carter<sup>31</sup>, speaking on the inequality of sentencing.

The NSW prison system seems to be in constant state of flux. Recent changes mentioned by Pope<sup>32</sup> have been the introduction of Area and Case Management and the Structured Day, which at its best can involve work, educational, personal development, vocational, recreational and pre-release programs. The issues which involve undertrained and militaristic staff being responsible for introduction of modern management practices is considered by Pope as problematic. He considers that in the wrong hands the Structured Day could become oppressive and robotic, and Case Management could become one more way of making inmates jump through hoops. A further incentive of these reforms is to save money by cutting custodial staff. The writer hopes this will lead to the employment of more Program Development staff. NSW Custodial staff have a long history of undermining reforms and with poor morale it is unlikely that these changes will do more than tinker around the edges of the present system. The shortages of staff make it difficult for them to engage in in-service training. A few have taken some levels of AVP training, which the writer hopes will expand.

Apart from violence, and probably linked to it, the problem of drugs is considered by Pope<sup>33</sup> as a major problem in NSW jails. HIV/AIDS has not become the major problem that was once feared, although condoms are not permitted and clean syringes are not easily available. Drug and alcohol counselling is increasing and is integral to the case management strategy. Illicit brewing of alcohol takes place, and is a potent source of violence in jails. Non payment of drug debts leads to much violence and is the reason for a large number of inmates being placed on protection. Justice Michael Kirby said "To put a person in jail who is addicted - who is sick- is, I think, a rather cruel and uncivilised thing to do"<sup>34</sup>

The classification system in NSW is a tool of management. In its best sense it assists inmates in gaining a sense of progress through the system. There are seven levels, and

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<sup>31</sup>quoted in Vass *op cit* p 43.

<sup>32</sup>Pope *op. cit.*, p 11.

<sup>33</sup>Pope *ibid* p23.

<sup>34</sup>*ibid*, p25.

this was of Aborigines, who otherwise would not have come into the sphere of State control. The killing of David John Gundy in 1992, combined with many other similar incidents indicate a growing militarisation of both the police as well as the Department of Corrective Services. This has been further identified in the ABC documentary "Cop It Sweet", which showed the attitudes of police in inner Sydney to aboriginals as extremely racist and being themselves a cause of the high arrest rates there.

Some parallels may be drawn between the position of Maori persons in the NZ Justice System, who are amongst the most highly imprisoned indigenous race in the world. In the research chapter, links will be made between this and the AVP Aotearoa organisation that is now operating successfully in many NZ jails. Moana Jackson<sup>43</sup> writes of the Maori lack of a positive cultural identity, which leads to identification with peer groups or gang sub culture. Their lack of economic status may lead to illegitimate means of gaining status, and their lack of emotional security may lead to security being sought in drug or alcohol-induced expansion. All of the above can then lead to violence to the self, to others or to property.

### **Persistently Violent Offenders:**

A profile<sup>44</sup> of this group who assault whilst in jail shows they are younger than the average age, are less educated, have less employment history, are more likely to be single and have been raised by 'the state'. The trend has been to inflict harsher controls on these inmates. Some argue<sup>45</sup> that these inmates need small secure communities, where they are provided with creative and meaningful work, and provision made for conjugal visits and home leave. Removing violent offenders from the general prison population, writes Morris,<sup>46</sup> will benefit the mainstream offenders as conditions can then be less threatening for them. It has been shown that violent inmates benefit from humane and reformatory programs. Again, the results of these more caring programs could be adapted for practice in the wider prison. Prisoners in such a setting would be required to join a small daily living and discussion group. They would be given full access to information relating to the duration and conditions of their incarceration, and

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<sup>43</sup>Jackson, loc. cit., p 101.

<sup>44</sup>Kevin Wright *The Violent and the Victimised in the Male Prison*, Journal of Offender Rehabilitation Vol 16 (3/4) 1991, p 13.

<sup>45</sup>Six Quakers op. cit., p 23.

<sup>46</sup>Norval Morris *The Future of Imprisonment* University of Chicago Press, 1974 p 89.

facilities for children. Inmates must wear a white hospital style gown and endure the surveillance of their every move in fear that their visit will be truncated. The lack of female and child contact has a direct result on male<sup>51</sup> sexual aggressiveness in jail, where more feminine men are in constant danger of rape and other attack.

Costa Rica<sup>52</sup> which is known as one of the most penalogically advanced nations in the world, has a system of graded conjugal visits within their classification system. This system is said to have led to an increased level of stability within prisons there. The tensions created by the very masculine atmosphere in NSW jails is another punishment to be suffered, and this tension is passed on to relatives, who must return home to the multiple duties of income providers, parents and nurturers. Some lose their homes in this struggle<sup>53</sup>, many families exist below the poverty line and it makes a mockery of rightist policies that claim to be discriminating in favour of the family. Women<sup>54</sup> visiting partners in prison spoke of their double bind, having to bear the physical and emotional difficulties of holding the family together, and yet keeping a cheerful disposition at visits so as not to distress their incarcerated partner.

Programs such as the AVP, that aim to present alternatives to violence, need to have an awareness of the overall context in which inmates live their day-to-day lives. The ultimate aim of this program to train its own facilitators in NSW jails has not thus far been achieved. In other states, where inmate facilitators are in place, the respect given to them is likely to be far greater, because of their intimate understanding of the day to day issues that constrain those who are imprisoned. Until this is a reality, volunteer facilitators need to listen sensitively to the spoken and unspoken language of inmates.

Oscar Wilde said<sup>55</sup> "Society takes upon itself the right to inflict appalling punishment on the individual, but when the punishment is over, it leaves him to himself. It abandons him at the moment when its highest duty to him begins". The present system does little to help inmates to repair and restore broken relationships, to learn skills of conflict resolution, to reintegrate offenders back into society, and to find ways for

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<sup>51</sup>D Lockwood *The Contribution of Sexual Harrassment to Stress and Coping in Confinement*, quoted by Aungles p 62 -3.

<sup>52</sup> A. Goetting *Conjugal Association Practices in Prisons of the American Nations 1984*, Alternative Life p 160.

<sup>53</sup>Aungles op. cit.,p 154.

<sup>54</sup>ibid, p 162.

<sup>55</sup> Chris Wood, op. cit., p 107.

punishment alone is such a costly failure, Cullen and Gilbert<sup>63</sup> give many reasons why the alternatives which have rehabilitation as their goal, are worthy of consideration. These include: the rationale that it gives the state a justification to care for an offender's needs or welfare; it opposes the position that increased repression will reduce crime; and historically, rehabilitation has been an important motive underlying reform efforts that have increased the humanity of the correctional system.

In the next chapter, discussion and evaluation will take place of treatment programs in custodial institutions, including the Alternatives to Violence. The issue is raised in this chapter because of the influence researchers like Martinson has had on bureaucrats, politicians, the media and the general public. Their conclusions, which favour longer prison sentences and less rehabilitation have had an enormous effect. Prison reform is a very complex and paradoxical area. Mark Findlay<sup>64</sup> sees any reform attempts in the NSW system as leading instead to purging and strengthening. "It suits the state to see the prison stand proxy for a wide collection of social and political ills. It diverts attention from the more widespread abuses perpetrated in the name of social control. It forestalls an overall critique of criminal justice". Whilst this attitude remains, the majority of jails will house people marginalised by poverty, of aboriginal background, unemployed and lacking basic education and literacy skills. They will continue to use punitive rather than reformative objectives, while the rising numbers in our jails will do little to benefit the anyone. For inmates to give up violence as a way of survival in a very violent system, some effective programs need to be in place. The AVP Program will be discussed within this context, and conclusions drawn as to whether it is likely to succeed within NSW correctional institutions.

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<sup>63</sup> Cullen F. and Gilbert K., (1982), *Reaffirming Rehabilitation*, Anderson Publishing.

<sup>64</sup> Findlay op. cit., p 331.

Further insights in understanding violence through *Social Learning Theory*<sup>4</sup> is that violence is learned and that it is a direct response to the violence committed against our young people generally by society. In particular, this report states that young people learn violent behaviour and this can come from domestic violence; the justice system; being excluded from employment; lack of income; or in many cases, coming from a war-torn country.

## **5.2 Studies into Violence in Prisons:**

Wright<sup>5</sup> administered a series of four tests to 992 inmates in 10 New York maximum and medium security jails. He used two measures of violence and three measures of victimisation (violence towards the person), which he called assaulters, highly aggressive, self injured, hurt and taken advantage of. He then had four sets of independent variables for each subject. He discovered that potential assaulters can be identified by both background and personality. These people need a small secure environment. Highly aggressive inmates have the kind of confrontive behaviour which leads to attacks being made on them. He recommends that these inmates receive interpersonal relations training to help them understand the role they play in the attacks on them. The victimised groups all displayed significant problems in adjusting to prison. The recommendation here is that they need to be closely supervised and specially placed so they are not victimised.

Overall, Wright concludes, that violent inmates need greater freedom and opportunities to substantiate their self worth. For the ones who are harmed, they need to be given a less controlled, less autocratic setting. This is in tune with the writer's comments in Chapter 4, where the benefits of small secure communities are shown to be effective, as is a caring and humane environment, with programs geared towards treatment.

Gendreau and Ross<sup>6</sup> conclude that successful programs are those which concentrate on social learning, with attempts made to broaden inmates social perceptions and widen their repertoire of adaptive behaviours. It is not found to be helpful to try to cure underlying emotional disorders. All programs need to be multi-faceted and to concentrate on many differing aspects of an inmate's existence. Programs have used family therapy; behavioural counselling; role playing and modelling; vocational and social skills training, and peer

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<sup>4</sup>Standing Committee on Social Issues (1995) *A Report into Youth Violence in NSW*, p 2.

<sup>5</sup>Kevin Wright *The Violent and Victimised in the Male Prison* Journal of Offender Rehabilitation Vol 16 /4 1991, pp 1-25.

<sup>6</sup>*op. cit.*, p 32.



These researchers comment that a very small percentage of correctional budgets are spent on offender programs, and then the constraints that are put upon them often means that their effects are neutralised. Analysis of a program should include:

- a) the physical and social structure of the program,
- b) the process and content of intervention,
- c) changes in attitude,
- d) recidivism and cost benefit,
- e) whether services are simply not there for an offender and his family, which leads to re-offending.
- f) Acceptable moral and ethical intervention into offender's lives.

They conclude that the majority of offenders' problems provide many opportunities for assistance and that programs that work can and should be implemented.

In relation to (f), the question as to what is 'acceptable intervention' in relation to imprisoned persons has been severely challenged by Hampton,<sup>9</sup> who says that intervention is rarely desirable, but rather assistance should be given, when needed, to deal with specific problems. The following pages trace some studies within prisons, where programs using conflict resolution are found to be working, in particular, the Alternatives to Violence Program.

### **5.3 Research into the AVP Program in Auckland Prison, 1993 by Curreen<sup>10</sup>:**

#### **Introduction:**

The Auckland study was a requirement of the NZ Justice Department prior to giving permission to the AVP Aotearoa organisation entering NZ jails. Fifteen men volunteered to participate in the AVP training and the study. They were inmates of a maximum security prison, with six serving life sentences, three 11-14 years and the remainder up to ten years. Their average age was 30, and the majority were Maori.

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<sup>9</sup>Hampton, loc. cit.,p51.

<sup>10</sup>Curreen, Merlin *The Alternatives to Violence project; An Evaluation of a Program at Auckland Prison East Division*, Department of Justice 1994, unpublished.

after-data was obtained for 9 men in relation to the STAXI, and 10 men in relation to the questionnaire.

### **Outcomes:**

#### **PART 1 - Pre group information: N = 13**

##### **a) Previous contact with anger management/ violence stopping programs:**

6 had attended; 7 had no previous attendance

##### **b) Past problem areas:**

The main areas named were alcohol and drugs, depression, anger, unemployment, finances, violence, self esteem, feeling out of control and communication.

##### **c) Present Counselling needs:**

These included in addition to the past problems, parenting and legal problems.

##### **d) Home, family and upbringing: identification of problems experienced by inmates parents/ care givers:**

They named problems with their fathers in relation to alcohol, communication, anger and violence and their mothers in relation to the same plus two mentioned gambling.

##### **e) Feelings about home environment:**

The majority indicated their home environment was hostile and rejecting.

##### **f) Nature of Abuse experienced by participants as children:**

All included physical and verbal abuse and most included mental and some, sexual.

Description of abuse given by respondents included having been hit with sticks, jug cords, being indecently assaulted by both males and females, being beaten unconscious and receiving hidings for 'being a ratbag'. They perceived their childhood punishment as being very severe and meted out very often.

##### **h) Participants who witnessed a parent being abused:**

The majority had watched their mother being abused, physically, mentally or verbally and some reported seeing their father abused in some way.

##### **i) Physical attacks made on parents:**

This is frequently one of the signs that the lessons of violent upbringing have been learned, and the cycle of abuse is continuing, as researched by Briggs<sup>13</sup> in her work on the effects of early sexual abuse. Four of the thirteen respondents said they had physically attacked a parent.

##### **j) Intervening to protect a parent or sibling from violence:**

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<sup>13</sup>Briggs, op. cit., p 56.

**Table 4: Auckland AVP Results**

<b>Person</b>	<b>T-Ang</b>	<b>T-Ang -T</b>	<b>T-Ang-R</b>	<b>AX-In</b>	<b>AX-Out</b>
1B	5	25	10	55	5
A	30	25	75	35	30
+/-	+25	0	+65	-20	+25
2B	15	35	15	20	15
A	15	35	15	35	40
+/-	0	0	0	+15	+25
3B	55	75	45	95	60
A	2	25	5	1	15
+/-	-53	-50	-40	-94	-45
4B	67.5	45	80	65	87.5
A	67.5	90	15	80	65
+/-	0	+45	-65	+15	-22.5
5B	7.5	25	15	40	65
A	10	35	10	35	40
+/-	+2.5	+10	-5	-5	-25
6B	70	55	65	99	80
A	25	55	15	95	30
+/-	-45	0	-50	-4	-50
7B	67.5	80	65	75	75
A	70	92.5	45	95	80
+/-	+2.5	+12.5	-20	+20	+5
8B	65	65	65	65	40
A	2	25	5	20	50
+/-	-63	-40	-60	-45	+10
9B	55	45	55	75	60
A	30	25	45	40	70
+/-	-25	-20	-10	-35	+10

## 2.2 Knowledge of violence and anger: Questions asked pre and post - group

a) What is violence? The answers in the post group gave evidence of an increase of knowledge of the range and nature of violence to include more than just physical violence.

feelings related to early experiences but there seems to be no real escape from the patterning of violence. Within this context, a learning opportunity is presented, an *AVP Basic* workshop. The difference between this and every other AVP workshop everywhere, was Curreen's decision to gather data beforehand.

The AVP personnel<sup>15</sup> in NZ protested about the gathering of data to the Justice Department. In particular, the survey's questions which dealt with past trauma, childhood abuse, experiences of violence in the home and their childhood responses to this were particularly distressing. Asking the questions prior to the AVP course created the expectation that the areas addressed in the questionnaire would be covered in the course. Some men were openly fragile and used words like 'shattered' to describe the feelings which had been aroused. Trainers reported there was some relief when the men discovered that the focus of AVP is educational rather than therapeutic. They commented on the difference between this workshop and others held elsewhere. In a follow up session, the facilitators heard that the participants found new ease in communication, conflict resolution skills and personal confidence.

The facilitators spoke to Curreen of their concerns regarding invasion of the men's privacy. He acknowledged surprise at the degree of childhood abuse reported. Follow-up groups were arranged by the facilitators, when the men still acknowledged their pain in answering the questionnaire, and spoke of any remaining confusion about its relationship with the AVP course, which did not deal with the angry, painful feelings. The trainers recommended that psychologists, social workers and other support staff should be on hand after such experiences to help inmates cope with these feelings. They also sent the Justice Department a paper by Michelle Webster<sup>16</sup>, which deals with the dangers of emotional abuse in therapy. Amongst this therapist's conclusions were that *abuse in therapy is life threatening*, and she calls for those in the 'therapy' profession to consider ways of stopping this painful and uncalled for trauma. The fact that this often happens to incarcerated persons has been widely reported by Mitford<sup>17</sup>, Hampton<sup>18</sup> and others. Mitford comments that from the inmates point of view, 'treatment' is a humiliating game, the rules of which he must learn in order to placate his keepers and manipulate the parole board at his annual hearing.

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<sup>15</sup> Dyer, E. (1993) Training Co-ordinator AVP Aotearoa, Letters sent to Justice Department.

<sup>16</sup> Webster, M (1991), *Emotional Abuse in Therapy*, paper presented to the XIth Australian Family Therapy conference, Adelaide.

<sup>17</sup> Mitford, loc. cit., p 63.

<sup>18</sup> Hampton, op. cit., p 57.

walking away, problem solving etc. This would need to be built by later reinforcement. On the negative side, Curreen never fully appreciates that AVP is a three level course and that many participants retake each of the levels several times. AVP is not a 'quick fix'. The effects of participant weariness with the process was noted and the failure by all participants to complete the STAXI the second time around is a common feature reported by Wright, Serin and others<sup>22</sup> of research in correctional centres. Curreen recommended that the AVP continue as one of the programs available to inmates. He stated that it makes a good contribution towards communication, self expression and appreciating the perspectives of others. It is particularly recommended for those who have problems in communication with other men. It should not be regarded as a stand alone, but should be used in conjunction with other anger management/anti violence programs.

The use of the terminology that AVP programs should be 'used' by prison authorities reveals another flaw in the researcher's thinking. Participants *volunteer* to do this training. In the experience of the writer and organisers of the workshops in other states, the problems that sometimes arise in a workshop have their basis in the members not being true volunteers. An education officer or prison psychologist has subtly or in some cases not subtly, has told an inmate that it would look well for them to do the AVP training. Until AVP is well established in an institution, and the inmates are talking about their experiences and learnings, true volunteering is very difficult to achieve, and of course, this was the first ever workshop in a NZ prison.

The Curreen evaluation was claimed by McMeechan<sup>23</sup> to be a world first of the AVP Program and his findings of some change amongst the participants tested gave AVP the 'green light' by the NZ Justice Department for the program to be introduced to all correctional centres in NZ. Apsey<sup>24</sup> writes that AVP personnel are often asked how they know the program changes lives. He gives the reason for not conducting research as: the confidentiality of prisoner files; the impossibility of tracing ex-prisoners activities after release; and moreover the unwanted intrusion on prisoner privacy. Further evidence of this

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<sup>22</sup>Both Wright, K in *Journal of Offender Rehabilitation* and Serin R. *Journal of Interpersonal Violence*, found a compliance rate of 60 - 70% very satisfactory.

<sup>23</sup>Mc Mechan, Bill (1994), the President of the world body of AVP, in a letter to the writer. *It may be difficult to believe that no formal study has been done on AVP in the USA where it originated nearly 20 years ago. Considering, however, that the program has been conducted completely by volunteers, and is ever expanding, the need to find and train facilitators has been paramount in importance. Also, little money has been available from any source for programs, let alone, evaluation.*

<sup>24</sup>Apsey, loc. cit., p 229.

**Aim of Study:**

To establish whether there was any measurable change of attitudes towards violence following two levels of AVP training at Long Bay RIC in April and June 1994.

**Details of Subjects:** N = 16

**Selection:** volunteers to an AVP Basic in April 1994.

**Age Range:** 23 - 49 years, average age = 31

**Ethnicity:** Koori 7; Fijian 1; Eastern European 3; Anglo Australian 5.

**Length of sentence, education, offences:** Unlike the NZ study, none of this information was sought in keeping with the regular practices of AVP.

**Procedure:**

A TWISI Questionnaire was given before participation in the *AVP Basic*. Participation by 8 of the men in an AVP Advanced training 4 weeks later, and 4 weeks after that, re administration of the TWISI questionnaire. A staff evaluation was invited, and follow-up interviews with case notes was recorded by the writer.

The setting was a maximum security prison and it is safe to assume that many of the traits reported by inmates in the NZ study would have been similar in terms of length of sentence and history of previous violence. The writer was involved both as a participant and a trainer in AVP training in 1993/4/5 at the RIC and the Special Care Unit. Some 51 men have completed a *Basic* and a further eight have done the *Advanced* Level. These eight have had their progress followed with interviews until finally all have been transferred away from the RIC (and many from Sydney). Correspondence has only been possible with one inmate in a country jail, as writing letters for many who have poor literacy skills is not regarded as an enjoyable activity.

The instrument chosen for the research was the TWISI (The Way I See It). The TWISI<sup>28</sup> (see appendix) was developed in the context of Juvenile Justice in the US, and was judged to be suitable as a self administering tool for inmates who might have low literacy skills. There, 59 men on the Harold Holden Ranch completed the TWISI, before and after a two-

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<sup>28</sup>The Community Board Program, Inc (1990), *Report on Epistemological Engineering to Community Board on the Harold Holden Ranch Evaluation Data*, Nashville Tennessee.

**a) Harold Holden Ranch:** Between the first and second questionnaires 64% of the subject's scores improved and the average score increased significantly. The authors claim that with their method of asking the same questions before and after conflict resolution training, that any change in the answers is likely to be the influence of that training. So, in this case and in the Long Bay study, it is the **change** that will be commented upon. One problem with the TWISI instrument, is that by responding with "agree strongly" the first time, the participant cannot change his response the second time to "even more strongly", not an option available in the four response boxes. That question could be one which changed a person's whole direction. This is a caution against allowing too much to be accredited to a questionnaire score. It would need to be backed up by interviews, staff observations of behaviour in the yard, and other measures.

There are 22 questions, in which the four answers for each one are rated from 1-(the one we least want to see) to 4 (the 'best' response). An average, or random score, would be 2.5. Using this measurement system, the average score before the training was 2.89. After the training it had improved to 3.02. The average improvement was 0.13. A two-tailed T test showed ( $T=2.71$ , 58df,  $p=.009$ ). In addition, 64% improved their scores, 29% declined and the other 7% stayed the same. The authors argue that since the results on the first test were higher than a random response ie 2.5, and were in fact 2.89, that any unreliability in the data would tend to make the post-test data regress towards the mean, that is, fall towards 2.5. The fact that the scores increased, in spite of that effect, is more evidence for an effective program.

#### **b) Long Bay RIC Results:**

The test instrument was the TWISI. Using the same method of averaging the scores of the group between tests, a two-tailed 'T' test was applied, which is the way of testing the degree of significance between means. This was statistically significant at .05 ( $t = -2.55$ ,  $df = 7$ ,  $p < .05$ ), for the 8 participants for whom we have before and after scores.

**Table 5: Differences in ability to resolve conflict before and after two levels of AVP**

**Question 14 :** "In an argument, no one has to lose".

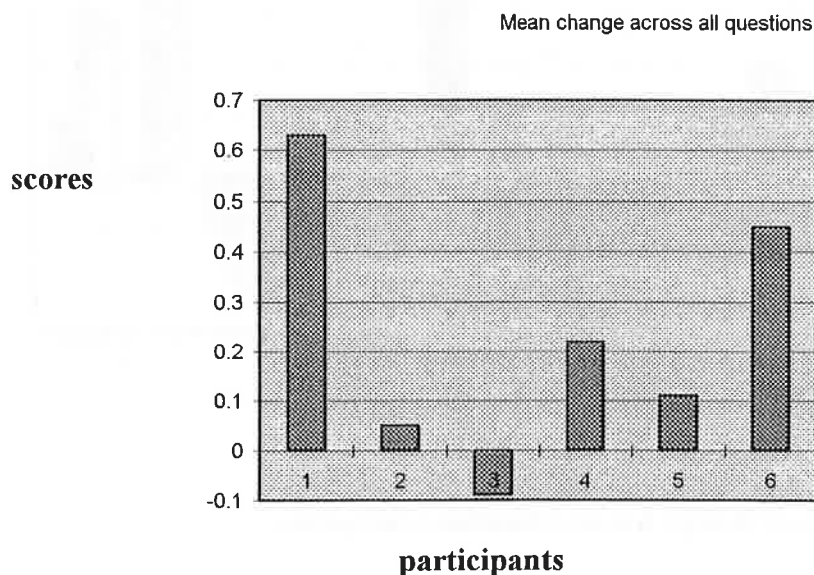
With this question, two people stayed the same, and four gave less desirable answers.  $P(T \leq t)$  two-tail = 0.28, not significant.

**Question 15 :** "If an adult is mad at a kid, there is probably nothing the kid can do about it".

Two stayed the same, two improved and two regressed. The change in a  $P(T \leq t)$  two-tail was 0.28, not significant.

These questions recorded the highest mean change. All were positive though non significant changes (except Client 3, who showed a negative result). This is hard to explain, unless the questions were not well understood by him.

**Table 7**



The results so far show that the group as a whole changed in their attitudes to violence, but when individual participant's scores are examined, there is movement, which is largely positive, except in the case of Client 3 who regressed.

**Categories of questions:**



C: In regard to fighting to resolve a conflict, most (except client 3) would not use this method.

D: Clients 3 and 6 would still cut an opponent down to win a conflict, whilst the remaining four would not.

E: Most clients do not acknowledge greatly the role of feelings in a conflict.

### **Discussion:**

The only result which showed significant change, was the overall result of the attitudes of the group as a whole. This could be because the time spent together in the two workshops tended to create a community where less violent attitudes were prevalent or indeed acceptable. Similarly in the Harold Holden Ranch, the average score also increased. Here, 64% of the individual scores also improved. At Long Bay each individual question, when analysed, showed mixed results, with some doing better the second time and others worse. Grouping the questions into 5 categories A-E gives partial insights into the thinking of this group as indicated above. The clients would use language now in preference to fighting and more would avoid conflict than prior to the training. Again, fighting was not a preferred solution, which links with category A, and the majority would not "cut down an opponent" in an argument. These men still give little weight to the value of their feelings in the environment of a maximum security prison, where acknowledgment of emotions is not considered 'safe'. Power relationships can be severely disturbed as explained by Horrocks<sup>30</sup>, when men display sensitivity, creativity and their more vulnerable side.

The two sessions of AVP training were not followed up as they are in NZ by support meetings, which enable the men to speak about difficulties they were having in practicing the new behaviours in the yard. It is considered that this ought to have been done, but the AVP program was truncated due to renovations at this particular prison, which meant that there was nowhere to meet. The facilitators have made a recommendation that further AVP workshops will not be offered unless provision is made for follow up support meetings which take place on a regular basis. As indicated earlier, AVP is not a 'quick fix', but like a plant needs time and nurture for new behaviours to become part of every day practice.

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<sup>30</sup>Horrocks, loc. cit., Chapter 3.

to jail 3 years ago I was always in trouble. The first course was nearly a year ago, and I think it was part of why I've changed.

This man's files show he was a ringleader of trouble and violence in another prison, which is the reason his original sentence of 3 years was extended to 10 years. He is writing a book and has already written and produced plays in jail. He gives the impression of being very settled within himself and certainly shows he has alternative strategies to violence in coping with conflict now.

**b) Client No 4, aged 38 years has another 19 years to serve.**

The first couple of days with the course were a bit hard. There were still a lot of barriers. With all the little things we had to do on the course, the barriers came down. The other blokes and myself, we were asking a lot of questions, but it was just common sense. They were trying to teach me "Look before you leap", assess things before you do them, try and have a positive approach to things that I never really had before. Before I did the course, you could put me down as a rebellious person, and I didn't know how to communicate all that well. Every time I walked through a gate, it would be in a negative way. These days it's more of a positive approach I have and programs like the AVP, are beneficial for me. I use a bit of manners, whereas before I never bothered.

Client 4 has been full of praise for the AVP and his influence is very marked not only with the other inmates but on staff as well. It was due to his praise of AVP that a large number of support, administrative and custodial staff are now engaged in the training themselves in the community courses run by AVP. Client 4 is serving time for a particularly violent crime and his words and his changed demeanour speak volumes in the eyes of the staff. Many staff have indicated they really want AVP to be available in all jails, which is different from the scene in 1994, when the training conditions were very difficult.

**c) Client No 3 is a very violent man and the guards were very scared of him prior to the AVP training. In this first paragraph he is talking about his violence, and his explanation for why he was being moved all the time, rather than the real reason which was that all the guards were scared of him.**

Because the jails are loaded with inmates, they move everybody around. I went from Junee to Goulbourn to Parramatta all in a matter of ten days. At Parramatta, I was charged with inciting a riot, which I didn't do. I said to the screws "Don't threaten me", I don't want you playing games with me, so I went along and

to support this very worthy voluntary organisation by assisting them to maintain access to both inmates and staff."

### **5.5 Analysis of the AVP Program:**

On the basis of the Andrews and Kiessling<sup>34</sup> analysis, the first comment to be made on AVP training is that the physical and social structure of the program is one which is as far removed from the every day prison environment as is humanly possible. This is achieved better in some jails than others and needs much prior discussion with administrative and support staff. A room which is not overlooked by outsiders, a space in which to work and move comfortably, and provision for meals being eaten together, all help build a sense of community and trust over the three or four days.

The process and content is based on: using the experiences of all participants; taking part in exercises and games; reviewing what was learnt; and going on to learn the next part of the course. All of the learning is based on improving the self perceptions before communications, and finally the resolving of conflicts can take place.

Changes in attitude can be quite profound and often take place after considerable "testing" of the facilitators in relation to the agreements made at the commencement of the course. In relation to recidivism, the prison population as a whole has a 65% probability of being involved in further incarceration<sup>35</sup>. In the US, where AVP has been established for 20 years, and also in New Zealand, discharged people who have done the training are leading successful careers in social work, counselling, anger management etc. The cost benefit may be said to be high, because the AVP programs are provided at no charge to Corrective Services. As far as services being there for an offender and his family to prevent re-offending, this study has not covered this aspect, rather whether the inner resources of participants have been developed to a stage where they can serve the remainder of their sentences using their own power for good, rather than that of self-destruction.

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<sup>34</sup>Andrews and Kiessling op. cit., p 445.

<sup>35</sup>Thompson, op. cit.

## Chapter 6

### JUSTICE - A Response For Our Age

Two hundred years ago slavery was a respected institution in the west, and required a great deal of clamour and pain from reformers to eradicate. Justice James Doyle<sup>1</sup> said "I am persuaded that the institution of prison must end. In many respects it is as intolerable as was the institution of slavery, equally brutalising to all involved, equally toxic to the social system, equally subversive of the brotherhood of man, even more costly by some standards and probably less rational." Enlightenment and a call to radicalism, argues Griffith<sup>2</sup>, has fuelled consciousness raising of movements such as liberation theology, black rights, indigenous rights, feminist thought and some redress towards economic justice for the poorest of the poor. What responses can be made in respect of our corrective systems, which like a cancer are spreading in the dark unseen parts of our communities, rarely debated passionately, and away from any mechanisms which might lead to internal changes?

Almost since the beginning of the modern concept of prisons in the 19th century there have been calls for their reform<sup>3</sup>. The premises on which they were built: that solitude and reflection would benefit the wrongdoer; and that incarceration as punishment would assist a society in the management of criminal behaviour, has come under severe criticism<sup>4</sup>. This chapter will examine the issues around the reform of correctional systems which have prison as their central sentencing option. As was seen in Chapter 5, where the "nothing works" mentality was challenged, corrections can go on offering nothing, in environments which, it will be argued, have become increasingly oppressive and incapable of change. What the public wants and inmate expectations will be examined, and efforts will be made to reconcile both to provide for justice, peace and alternatives to violence in the decades to come. These will be examined in relation to the various stages in our criminal justice system, right up to and inside the gates of prison.

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<sup>1</sup>Mitford, op. cit., p 273.

<sup>2</sup>Griffith, loc. cit., p 30.

<sup>3</sup>Orland, L.,(1975) *Prisons: Houses of Darkness*, The Free Press, p 27.

<sup>4</sup>ibid, p 22.

## Sentencing and Punishment :

Walker and Hough<sup>9</sup> surveyed 2,551 members of the public regarding the form and severity of punishment for a range of offences from property, drug dealing, murder, corporate crime, employer negligence. Respondents were found to be more punitive than the courts in the area of corporate crime and employer negligence, and less punitive for other crimes. Males are more punitive than females except in the areas of factory pollution, employer negligence and child beating. The less educated are more punitive, whereas the better educated opt for fines as their choice of punishment. Other factors such as age, church and political party affiliation were studied. They conclude that no single set of views is shared by all sections of the community, but that there is a sophistication and an acknowledgment of the complexity of sentencing by the public at large. Retribution is not favoured as an aim in sentencing, but rather for the security of the community. This is at odds with the popular TV show culture, which tends more towards a punitive approach.

As with most of the public there is great ignorance as to what makes up a criminal. R. Morris,<sup>10</sup> who has written for decades on the subject of prison abolition, says the funniest experience for her is on taking volunteers to assist in prison programs who invariably ask when outside "But where are the *real criminals*?". Walker & Hough<sup>11</sup> found that the public is generally ignorant of current sentencing procedures and underestimate the percentage of prisoners sent to prison. Elliott<sup>12</sup> also writes that the public may not be as punitive in their attitudes as was commonly thought. This leads to the conclusion that sentencers, ie judges should find out what the public will tolerate in terms of leniency or severity. Additionally, the public should have access to more information on the nature of crime, the background of those being sentenced and the effects that those sentences will have on the outcome for the whole community. Will the punishment lead to safe and secure communities? Is the punishment cost effective and will there be a lessening of recidivism as a result of the sentencing being given? Pope<sup>13</sup> claims that the public are ahead of the judiciary. A survey conducted for the Probation and Parole Officers Association in 1992 found that 65% of NSW residents would choose to place more violent offenders in

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<sup>9</sup>Walker & Hough (1988) *How the Public Sees Sentencing: an Australian Survey*, Gower, p 218.

<sup>10</sup>Morris, R.(1994) *The Best Kind Of Prison Is No Prison At All*, A. Nixon Memorial Lecture NZ.

<sup>11</sup>ibid p 222.

<sup>12</sup>Elliott, C., (1987) *The Politics of Crime*, p54.

<sup>13</sup>Pope,op. cit., p 11.

There are some recent examples quoted by Bright,<sup>17</sup> where punishment or the fear of it has lessened wrong doing and damage to society in the areas of drink driving and wife and child abuse. These have been backed up by large scale educational programs which have served to shift public perceptions towards that conduct. What punishment does to the young (usually male) criminal is to separate him from society into a system which the public does not understand. Studies by Elliot<sup>18</sup> of attitudes in the US towards crime, show that the public believe that the rising crime rate is due to the absence of punishment. The US has a rate of imprisonment of 217 per 100,000 (the highest in the world), which compares with NSW's rate of 75 (see Table 1).

The utilitarian view of punishment, which is described as 'the greatest happiness for the greatest number', which only goes back to the thinking of Bentham<sup>19</sup>, serves to exclude the deviant from the wider society. Weber<sup>20</sup> writes that the punishment of exclusion has its basis in earlier ritual behaviour, where lunatics, lepers, the poor and others were locked away. The punishment of the law breaker is thus seen as to exclude them from the non deviant society. Zehr<sup>21</sup> compares the Western style of justice which focuses on guilt, punishment and exclusion with that in Japan where confession, repentance and absolution dominates each stage of law enforcement. From the first stages of police interrogation, to the final judicial hearing on sentencing, the majority of the accused confess, display repentance, ask for the victim's pardon and submit to the mercy of the authorities. In return for this they are treated with great leniency. Despite the conviction rates of 99.5%, in Japan the legal processes themselves, which include restitution of losses, is usually considered sufficient punishment.

The reason this seems strange to Western readers lies in our beliefs in the doctrine of individual responsibility and has given rise to the work of Michel Foucault.<sup>22</sup> Foucault argues that the rise of a treatment orientated penology, as opposed to one based on confession, has been due in part to the growth of political control. This control is manifested in the bureaucracies who have replaced public pain by a private discipline, which seeks to 'cure' the criminal of his disposition towards deviant behaviour. The

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<sup>17</sup>Bright, J., *Crime Prevention, The British Experience*, pub p 62.

<sup>18</sup>Bright, op. cit., p69.

<sup>19</sup>quoted by Hepworth & Turner, (1982) *Confession, Studies in Deviance and Religion*, Routledge & Kegan.

<sup>20</sup>Weber, M., (1968) *Economy and Society*, Vol 1, New York, p342.

<sup>21</sup>Zehr, H., (1990) *Changing Lenses*, Herald Press, p 217.

<sup>22</sup>Foucault, M., (1972), *The Order of things - An Archaeology of Knowledge*, London, p 89.

a verbal and a signed commitment to carry out their part of the process towards reconciliation. The difference from these disputes and small criminal matters dealt with by a magistrate in a local court, seems to be that the parties know one another and are not relying on the State as the injured party to charge, prosecute, make a finding and a sentence. The long waiting lists at the district court level could be reduced by providing additional resources to the Community Justice Centres, and by encouraging persons to use them in civil and minor criminal matters.

**b) Decriminalisation of crimes without victims:** There are still traffic fine defaulters within the NSW jail system<sup>28</sup>, although the present government has made it clear that this should not continue. A study of fine defaulters in 1978<sup>29</sup> indicated that the majority of people who do not pay fines are those who have no family support. Rinaldi<sup>30</sup> states that one third of convictions in Queensland are in respect of fine defaulting, whereas in NSW nearly half of the convicted receptions result from inability to pay a fine. Other charges, such as possession of drugs and prostitution, can have more appropriate approaches than those which impose the labels that go with criminilisation.

**c) Abolishment of monetary bail and pretrial detention:** These cause enormous hardship on the poor, who cannot raise the bail and are therefore incarcerated before they have time to make arrangements (including: to provide for the needs of their families; to leave their employment; and to prepare for their defence in court.) The provision of 'bail hostels' for those who cannot raise bail has not been a practice in Australia as it has in Canada and the UK.<sup>31</sup>

**d) Suspended sentenncing:** is already a very clear option within our present system and has similarities with the Japanese system, where the experience of loss of face is considered sufficient punishment.

**e) Fines and restitution:** These might not be monetary fines but could instead be a way in which an offender worked towards making good the damage he or she had caused their

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<sup>28</sup> Thompson, B.,(1994) *Predicting The Number of Inmates in Full Time Custody*, Dept Corrective Services Research Paper, p 3.

<sup>29</sup> Sinclair, P., (1974) *Alternatives to Gaol: solving some problems, creating some new ones*, 15.12 Health in NSW.

<sup>30</sup>Rinaldi, F.,(1977) *Australian Prisons*, F & M Publishers, p 39.

<sup>31</sup> Zehr op. cit., p 45.

## **6.4 A System Being Tried in Parts of North America:**

### **Victim Offender Reconciliation Program (VORP)**

This program, which exists in the US and Canada literally stands the existing criminal justice system on its head. The program is implemented from arrest, through hearings, sentencing and outcomes. The existing system is seen as a triangle with the State at the apex, (represented by courts, judges, police, government departments, prisons, probation and parole boards). At the bottom left angle is the offender and on the bottom right angle, the victim. With VORP the offender and victim are equal participants in the process. At the bottom of the now inverted triangle are three resource people, a mediation counsellor, and (Morris<sup>36</sup> writes), ideally a grief counsellor and a community resources worker.

The process of VORP<sup>37</sup> is described as a specialised form of conflict resolution, whereby there is a face-to-face encounter between victims and offenders. Here, facts and feelings are explored and agreements concerning restitution are worked out. A trained volunteer facilitator arranges and directs the encounter. The facilitator's function is to regulate and facilitate communication, not to represent one side or to impose a solution. The preparatory work prior to the mediation hearing can be quite lengthy. VORP meetings can be in victim's homes, a church or in other buildings. The work of the first meeting is to review facts, allow for expression of feelings and to discuss an agreement. Most VORP's are designed to receive referrals from the criminal justice system and normally come after guilt has been established, but prior to sentencing. Alternatively, the offender can be sentenced by the courts to make restitution, with the details being set through the VORP process.

VORP is a low budget program, and the involvement of community volunteers rather than criminal justice professionals is crucial. Both victims and offenders are reported by Zehr to be very appreciative that the facilitators are doing their job willingly and without pay. A volunteer is also able to represent the community interest in this dispute process. The types of cases referred to it most often are burglary, but success has been noted with assault and battery cases. VORP does not accept cases where high levels of hostility and

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<sup>36</sup> Morris, R.,(1994) *The Best Kind of Prison is no Prison at all*, p 12.

<sup>37</sup> Zehr, H.,(1990) *Mediating the victim/offender conflict*, Menonite Central Committee, p 7.



R. Morris<sup>42</sup> says we must go even further to a concept she calls *transformative justice*, where crime is seen as a symptom of the structural injustice in society. Crime is now seen as an *opportunity* to empower both victims and offenders to work together to build a healthier society. In the current system the priority is given to wrong being seen as wrong to the state. Often victims are blamed for some real or imagined neglect which is seen to have contributed to the situation. Whilst recognising the victim's wrong *transformative justice* also recognises the wrongs which have contributed to the offender's situation, without minimising the unlawful act. Safety for all, was mentioned earlier as the public's response to crime. *Transformative justice* heals the fears and angers of the past. It deals with the difficult concept of restitution. In the case of murder or rape, the world of the individual or their family can never be restored to the place it was before the crime. What can be restored is the sense that there is justice, fairness and kindness in the world. Victims and offenders can work together creatively to uncover what this might mean for each of them.

People who have been imprisoned wrongly are greatly in need of such recognition. The film "In The Name of the Father", strongly showed this situation of the so-called "Birmingham Six", where evidence was concocted to imprison six people of Irish background for a pub bombing in the UK. Victims need to satisfy their quest for significance, that what has happened to them will in some way contribute to more justice being experienced by others in the future. This can happen in important ways: such as the campaign titled "Enough Is Enough" led by Garry Lynch, the father of Anita Cobby (a widely reported rape and murder trial in NSW) to reduce violence in communities, of Tim Anderson (wrongly accused and imprisoned for a part in the Hilton bombing), who works for prison reform; and others who volunteer their lives to work towards the reduction of and alternatives to violence in society. The biggest change as Zehr says is from *revenge* to *healing*.<sup>43</sup>

This has pressured the NSW government into introducing important new legislation. The "Enough Is Enough" group, which overlaps with the Homicide Victims Support Group (which now has membership of 193 families) has been influential here. As there were no processes in the law to recognise the pain experienced by the victims of serious crime, this group provides important emotional support. Lawyers have been reluctant to allow victims to have a say in sentencing or parole, fearing that they would be over punitive.

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<sup>42</sup>Morris op. cit., p 7.

<sup>43</sup>Zehr, H., (1990) *Changing Lenses*, Herald Press, p 211.

problems of poverty, drug addiction and insanity? If prison is to protect the community against people suffering from these problems, perhaps about half the population would need to be behind bars. Solutions are needed, but they need to be tailored to the particular needs of those suffering, and not lumped together. It is agreed by many<sup>51</sup> that possibly as low as 10-15% of current inmates are so dangerous that they could not safely be released. The writer argues that if we take the starting point that prisons are intrinsically evil and should be abolished, the first principle of reform should be to have as few people as possible confined for the shortest possible time. Whilst the existing structures are in place, inmates have expectations that some kind of reasonableness should direct the way prisons are administered. The UN Standard Minimum Rules for the Treatment of Prisoners<sup>52</sup> says that the discipline system in jails needs to be seen as fair. The problem is that inmates have little redress. In NSW, Inmate Development Committees provide a formal communication between staff and inmates. However, the ones attended by the writer seemed to deal with fairly minor items. In NSW government appointed Prison visitors are in place to hear prisoner grievances, whereas in France and Germany prisoner grievances are heard in specialised correctional courts. Orland<sup>53</sup> says the answer lies not in what we can do to reduce crime, but what we can do to civilise what we do to prisoners. Again, he says to only send the truly dangerous to prison and secondly, to extend the rule of law to *inside* the prison. The Nagle Report<sup>54</sup> makes shocking reading, not so much regarding the riots of the 1970's where inmates sought to draw attention to really degrading conditions, but the descriptions of the actions of the prison officers. Even more shocking is the realisation that these officers are still working in Corrective Services today, some in positions of high rank. The report<sup>55</sup> gives vivid examples of procedures such as "the reception biff", which inmates had to endure on entering Grafton Jail, being attacked with batons by three or more officers, even before their handcuffs were removed." He would be taken to the yard, ordered to strip and then the biff began. The word biff, by no means describes the brutal beating which ensued. Sometimes three, four or five of them would assault a prisoner to a condition of semi-consciousness... kicking him when he was on the ground. They invariably abused them...sometimes they threatened to kill them"

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<sup>51</sup>Mitford op. cit., p287.

<sup>52</sup>UN Standard (1957), followed by a resolution in 1970 which unanimously agreed to urge all nations to adopt and enforce them.

<sup>53</sup>Orland, op. cit., p 155.

<sup>54</sup> Nagle, J., (1978) Report of the Royal Commission.

<sup>55</sup> Nagle, *ibid*, p 178.

the ultimate expression of a society's uncaring, injustice and inhumanity. Our citizens (both the keepers and the kept), deserve a better system than the one of which they are presently a part.

The writer agrees with Wright<sup>60</sup> that the present criminal justice system we have in the west (and indeed in NSW), does not lend itself to evaluation because of its ambiguous aims. By the nature of its division into the decision makers (sentencers and the courts), who send people to prison for punishment and those who carry out the decisions, the prison administrators, who deny that they are holding people there for punishment. There are torturous arguments about what prisons are doing to inmates, treatment, rehabilitation, work activities and to what extent these are of any benefit. It is time to blow the whistle on all of these, to ask questions as to whether what we have meets anyone's sense of fairness (victim, offender or community), whether what is happening in police stations, district and higher courts has anything to do with justice? Are we satisfied with a recidivism rate measured between 40 and 80%. What about the dollar cost and the costs of suffering of families whose pain will provide a legacy of further generations of offenders and victims of crime?

Wright<sup>61</sup> likens our criminal justice system to a stately home which has been enlarged over the years in different styles and by successive generations. It has not taken into account the psychological reactions of offenders to punishment, the social origins of crime or the needs of victims. Punishment has become the basic aim although it is arms length punishment through the instrumentalities of the state. We have forgotten to ask ethical questions as to whether it is ever right for the state to behave in this way, to deliberately inflict suffering on some of its members. Again, is it ethical to inflict more suffering on some than they actually deserve, in the hope that this will affect the behaviour of others over whom they have no control? All of these actions by the state increase stigma and alienation and save the rest of us from finding time to repair and reform the social damage and widening rifts between those who manage to cope with our complex life and those who do not.

A solution could be to create a new government department, whose aims are to reduce the wounds of crime in our society and to restore and repair relationships damaged through the effects of grievances. This would, in effect, be an investment in the state which would

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<sup>60</sup>Wright op. cit., p 46.

<sup>61</sup>Wright op. cit., p 107.

have found better ways to deal with our social differences than by caging our fellow human beings.

sharing with each other and I learned more, so that when I get out I will give it to my children. AVP gave me lots to think about"<sup>2</sup> What we choose to hand on to our children can be for the greatest evil or the greatest good. I wish AVP graduates who are also parents every success on discharge, in sharing the positive and real things found in the AVP exxperience. Changes will come, but not without vision, beliefs and some very hard work.

Unfortunately, at the time of writing, the legislation in NSW is still moving towards increasing punishments, through the mandatory life sentencing bill. The Attorney General defends this as being "what the community wants".<sup>3</sup> This is despite opposition from judges, laywers, the NSW Director of Public Prosecutions, the prison officers and victims of crime. Bearup,<sup>4</sup>provides two stories of inmates Lawson and Mcdonald, who are possibly in jail for life. We can expect many more such stories of real 'lifers' in the years to come. He says that there is no increase in the murder rate, but we are faced by the irony of a "tabloid media, whipped into a frenzy by politicians chasing the law-and-order vote".

Whilst we work for transformative change with individuals and institutions, we cannot neglect the roots from which they spring. Communities have the power through the laws they enact to ensure that it is justice that is being served. Justice has a twofold purpose, to protect society and to offer individuals opportunities for atonement in order that they may re-enter their communities willing to work at redressing the injuries they have done. Given that there is no proof that punishment or deterrence changes anyone, it is time to find alternatives that recognise the violence, anger and hatred that we all share as humans, can be transformed into the alchemy of goodwill, energy, forgiveness and hope.

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<sup>2</sup>Waikeria Prison, Basic AVP Workshop, March 1994.

<sup>3</sup>Sydney Morning Herald 11/11/95, p13.

<sup>4</sup>Bearup, G., Sydney Morning Herald 11/11/95 p 6A.

experience of God and finally, a Jungian reflection on 'The Shadow as Nurturer' - the unlovely parts of myself as teacher. They were pleased with my efforts and offered me a scholarship to return for the final session.

This was my first period of intensive learning since completing my undergraduate degree in 1962. It was good to discover that I could re-engage in more formal learning processes. I was very pleased to be accepted on to the Peace Studies UNE Course, which had course work which would extend my Quaker learning and the opportunity to do my own research, though at the time I had not decided on a topic.

The course work in 1993 was quite exhausting, but I was buoyed up by essays coming back with encouraging marks and remarks. This, coincidentally was the time when the AVP program was being established in Sydney. I put off doing it at first, because of the demands of academic work that year. I finally did the *Basic Course* in October 1993. Many of the exercises were like a Conflict Resolution course I'd done earlier. The facilitators had long experience of working in prisons and they wove in stories which showed the depth of their experience of people. I discovered the power of role play and how it could backfire, if a situation was too close to a difficulty I'd been unable to resolve in real life. It was frightening the way the characters in my role play repeated a scenario which had actually taken place. I also learnt that AVP is not therapy and that the facilitators, whilst very able, were volunteers. I found the weekend a lot of fun and despite my weariness, actually felt energised at the end by the group experience. We went away with posters affirming all of our good points, contributed by every other participant. It was in many respects like the Self Transformations of 10 years before and I felt very comfortable with the process. I looked forward to completing the three levels.

Decision time was looming for a choice of topic for my dissertation. AVP was on the top of a list proposed by Geoff Harris. I wrestled with this for a time. How could something which was part of personal growth for me and obviously for many others, be a topic for a serious academic study? In some sense, I still think this way and others agree with me. If something is to be evaluated, one needs to assess the participants in some way before they start. Everyone who embarks on the AVP is a volunteer usually in the midst of complex motivation. The N.Z. study, and the one conducted by me at Long Bay, suffered to an extent from the intrusiveness of the researcher, when at the same time, trust was being established to enable the group members to fully participate in all of the exercises.

sharing experiences and practicing new ways of behaving. It could happen in a jail workshop, but I have not seen it, and have found that the behaviour there is more open. Early exercises in a jail workshop need to take account of and respect the fact that touching might have a variety of meanings including abuse or sexual ones. As confidence builds, some of these barriers come down until trust exercises which involve lifting and holding can be successfully introduced.

My AVP journey has taught me not to compromise from arranging workshops in the best possible manner, being sensitive to the facilities provided, the timekeeping, arrangements for food and drink are planned well in advance and as much of the writing of charts is done beforehand so we are not rushed. I recognise that when energies are flagging that it is necessary to find a change of pace or even to have an early finish to a session, so that people can rest. Often unconscious processing takes place in a break.

There are particular considerations in preparing for a jail workshop. I did not realise how badly the Long Bay workshops were being compromised until I visited the AVP scene in New Zealand. Here, the energies of one full time dedicated worker and the rest of the AVP organisation had negotiated weekend workshops in the jails, high quality meals were taken together, no staff were nearby during the workshops and other facets, which ensured that the integrity of the courses was not damaged. Our courses were truncated, people were pulled out on various pretexts and we have still not managed to run weekend workshops, which is when the majority of our slim band of volunteers are available.

My most important learning has been that AVP succeeds because of its volunteer philosophy. The facilitators and participants are all there because they have decided to come and there has been no coercion. This is hard to be sure of in the jail setting. However, we speak about it early and hope that it will be possible for people to leave if they do not want to stay. The fact that we are volunteers really seems to blow them away. They initially quiz us hard about our motivation, whether we are religious and out to convert. When it is accepted that we are there because we want to, that we want to share another way of doing and being, the surliness and lack of co-operation falls away and the energies rise to try out something different.

At the time of writing, we are hoping to make a new start in the Industrial Training Centre at Long Bay, a minimum security jail, but one where men can come at the end of a very long sentence and can stay for several years. The support staff advise that despite it being

## APPENDICES

### The Way I See It...

Name \_\_\_\_\_ Date \_\_\_\_\_ Age \_\_\_\_\_

Please answer these questions as best you can, by marking the box that best fits how you feel.

This is not a test, and your answers will be confidential. No one else will know how you answered on this questionnaire. There are no right or wrong answers! We just want to find out how you feel about these statements.

Each number is a statement. Tell us whether you think the statement is very true, sort of true, not very true, or not at all true. You can practice on the statements below. Then turn the page and begin.

Thank you for helping us with this!

- |    |                                                           |                      |                         |                          |                            |
|----|-----------------------------------------------------------|----------------------|-------------------------|--------------------------|----------------------------|
| a. | People have to eat in order to live.                      | <div>Very true</div> | <div>Sort of true</div> | <div>Not very true</div> | <div>Not at all true</div> |
| b. | Most people really like spinach.                          | <div>Very true</div> | <div>Sort of true</div> | <div>Not very true</div> | <div>Not at all true</div> |
| c. | People who like spinach are probably born that way.       | <div>Very true</div> | <div>Sort of true</div> | <div>Not very true</div> | <div>Not at all true</div> |
| d. | I like chocolate ice cream better than vanilla ice cream. | <div>Very true</div> | <div>Sort of true</div> | <div>Not very true</div> | <div>Not at all true</div> |



9. If I'm really mad at someone, there's no way to tell them that without starting a fight.	Very true	Sort of true	Not very true	Not at all true
10. The only way to win an argument is to punch 'em out.	Very true	Sort of true	Not very true	Not at all true
11. If someone talks bad about me, it's best to avoid them.	Very true	Sort of true	Not very true	Not at all true
12. In an argument, it helps to listen to the other person.	Very true	Sort of true	Not very true	Not at all true
13. It's not cool to tell someone how you really feel.	Very true	Sort of true	Not very true	Not at all true
14. In an argument, no one has to lose.	Very true	Sort of true	Not very true	Not at all true
15. If an adult is mad at a kid, there's probably nothing the kid can do about it.	Very true	Sort of true	Not very true	Not at all true
16. Backing down from a fight is a sign of weakness.	Very true	Sort of true	Not very true	Not at all true

# **A.V.P. EVALUATION**

## **INFORMED CONSENT FORM**

**BACKGROUND:** Those who have participated in the AVP Training may be interested to be part of a study being conducted within the gaol, which will try to measure the effectiveness of AVP in helping people with their daily lives, in setting goals and in coping with frustration and stress.

Like being a part of AVP, participation in the study is entirely voluntary. There will be no inclusion of any names in the study, and all information will be regarded in the strictest confidence.

The study will be submitted to the University of New England in Armidale, at the end of 1994 towards a Master of Peace Studies. It is hoped that this study will show the positive results of AVP and that this will have two benefits:

i) More volunteers will be prepared to undergo the training to enable the programme to expand.

ii) The NSW Department of Corrective Services will recognise the work being done and support it in more ways than at present.

### **Description of Procedures:**

1. There will be a series of face to face interviews with myself. These can be of short or longer duration, depending on your level of comfort in the interview. The information I gather is only for my study and there will be no names used or way in which your story could be identified.

2. Would you be prepared for me to read your Departmental file?

Yes

No

3. Interviews will go over several months, provided you are still at Long Bay.

4. Are you willing for an audio tape to be used during the interviews?

Yes

No

5. You may withdraw your consent to participate in this study at any time you wish.

6. There is no penalty or prejudice to you if you do not wish to participate in, or continue with the study.

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